

BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF GARRY) APPEAL NO. 07-A-2129
AND SHARON GRUNKE from the decision of the) FINAL DECISION
Board of Equalization of Ada County for tax year) AND ORDER
2007.)

RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing October 11, 2007, in Boise, before Hearing Officer Lyle R. Cobbs and Hearing Officer Travis Vanlith. Board Members Linda S. Pike and David E. Kinghorn participated in this decision. Appellant Sharon Grunke appeared. Chief Deputy Assessor Tim Tallman and Appraiser Tina Winchester appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. R0799190300.

The issue on appeal is the market value of a residential property.

The decision of the Ada County Board of Equalization is affirmed.

FINDINGS OF FACT

The assessed land value is \$300,000, and the improvements' valuation is \$202,400, totaling \$502,400. Appellant requests the land value be reduced to \$201,342, and the improvements' value be reduced to \$202,178, totaling \$403,520. The improvements' valuation was reduced at the BOE from \$220,900 to \$202,400.

Subject property is 1.01 acres with a 2,522 square foot single-family residence built in 1988, located in Eagle, Idaho.

Appellant maintained subject's assessment is not equitable or fair, based on the square footage, the lot size, and the lack of amenities the other residences have in subdivision. It was argued that land values were not assessed according to actual size of the acreage and that 2.66 acre lots were assessed at \$350,000 per lot, whereas subject's 1 acre lot is assessed at

\$300,000.

Appellant submitted a Realtor's opinion listing nine sales in subject's subdivision. Eight sales took place in 2006 and were broken down by price per square foot.

The sales presented were the following:

Square Feet	Lot Size	Bed/Bath	Price per square foot	Sold Date
3,418	1.10	5bd/3.5bth	\$183.73	2/20/2006
4,367	1.04	5bd/6bth	\$159.75	3/2/2006
3,969	1.00	5bd/3.5bth	\$161.25	3/21/2006
4,392	1.31	6bd/3.5bth	\$169.63	6/1/2006
3,824	1.76	4bd/3bth	\$207.90	6/08/2006
6,879	1.01	6bd/5bth	\$174.44	8/3/2006
4,181	1.15	4bd/4bth	\$159.27	12/13/2006
4,652	1.24	5bd/3.5bth	\$118.23	12/29/2006

It was the Realtor's opinion that subject would sell for \$405,000 because subject was smaller than the surrounding lots and "did not have normal amenities such as hardwood floors, separate bathtub and shower in the master, and upgraded cabinets or countertops".

Appellant calculated averages for the 13 properties in subject's neighborhood. The average lot was 1.49 acres. The assessed values on neighboring lots was \$300,000, except for a few view lots on the rim. Appellant took the 1.49 acre average assessed land value of \$300,000, and maintained, based on this information, subject should be assessed at \$201,342 for the one acre.

Respondent maintained that parcels in subject's subdivision are equitably assessed and submitted a plat map of the lots surrounding subject to demonstrate values were uniform.

The County submitted an exhibit of land sales in subject's area:

Acres	Sales Date	Sales Price
1.22	12/4/2006	\$300,000 (river view or access)
1.16	2/17/2006	\$545,000 (view lot)
0.99	6/20/2006	\$365,000
1	1/9/2007	\$365,000
0.85	10/6/2006	\$384,900
0.89	3/30/2006	\$475,000

The bare land sales ranged from \$300,000 to \$545,000 and size ranged from .85 to 1.22 acres. Subject is 1.1 acres and assessed at \$300,000.

Respondent provided a spreadsheet listing the subject's entire Subdivision assessed values to demonstrate that subject was one of the lowest assessed properties in the subdivision. The assessed value was lower because subject residence is one of the smallest homes in the subdivision and without upgraded amenities.

The County explained the price per square foot is inevitably higher for a smaller home than a larger home.

Respondent presented three comparable sales similar to subject. The County's Sales Comparison Grid illustrated adjustments made to the comparable sales for differences in total square footage, design and appeal, condition of property, number of bathrooms, size of garage, and detached garage differences in order to arrive at an indicated value for subject. The adjusted sale prices ranged from \$220 to \$236 per square foot. Subject's assessed value is \$199 per square foot.

CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

The County presented a current valuation of subject based on an analysis of recent, local comparable sales. Consideration was given to subject being one of the smallest residences in the subdivision.

Appellant offered a lower value claim based on a realtor opinion of probable selling price and recent sales in subject's subdivision which were broken down by price per square foot showing that the sales prices were less per square foot than subject.

Appellant did a great job of gathering and presenting information to the Board, however, the improved and unimproved sales presented by the County outweighed the evidence presented by Appellant.

The decision of the County BOE enjoys a presumption of correctness. No error in the

assessed value of subject has been demonstrated by Appellant. The subject value increased significantly, however the increase was based on recent market sales. The Board finds the assessment was not arbitrary or capricious.

FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

MAILED January 4, 2008